

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ALEJANDRINA PEREZ TRUJILLO, ET AL. §

VS. § CIVIL ACTION NO. 9:23cv191

CODY DEGLANDON, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Alejandrina Perez Trujillo and Jacinto de la Garza Valdez, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Cody Deglandon, Thomas Austin, and Danna Warren. Additionally, the plaintiffs assert a claim under the Texas Tort Claims Act against TDCJ for alleged premises defect damages.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting defendant TDCJ's Motion to Dismiss and dismissing the claims brought against it.

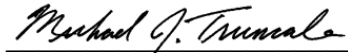
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. A copy of the report and recommendation was mailed to plaintiff at the address provided to the Court. No objections to the Report and Recommendation of United States Magistrate Judge have been filed.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report and recommendation of the magistrate judge is ADOPTED. It is

ORDERED that TDCJ's Motion to Dismiss is GRANTED and the claims brought against it are dismissed without prejudice.

SIGNED this 21st day of March, 2025.

A handwritten signature in black ink, reading "Michael J. Truncale", is positioned above a horizontal line.

Michael J. Truncale
United States District Judge